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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/822,155

04/08/2004

Eric Justin Gould

6057-06901

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05/21/2008

MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C.

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EXAMINER

ROBINSON, GRETA LEE

ART UNIT

PAPER NUMBER

2168

MAIL DATE

DELIVERY MODE

05/21/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|-------------------------------------|--|
| Office Action Summary | Application No. 10/822,155 | Applicant(s) GOULD ET AL. | |
| | Examiner Greta L. Robinson | Art Unit 2168 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 8-10, 15-17 and 20-101 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 8, 15, 20, 75 and 76 is/are rejected.
- 7) ☒ Claim(s) 2-3, 9-10, 16-17, 21-74, 77-101 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/23/08</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-3, 8-10, 15-17 and 20-101 are pending in the present application.
2. Claims 1-3, 8-10 and 12-17 have been amended; while new claims 20-101 have were added. Claims 4-7, 11-14 and 18-19 has status cancelled.

Election/Restrictions

3. Applicant's election with traverse of Group I in the reply filed on July 31, 2007 is acknowledged. The traversal is on the ground(s) that both groups include claims that recite an interface. Applicant's arguments are found persuasive. Note 37 CFR 1.143.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1, 8, 15, 20, 49, 75 and 76 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamp et al. US Patent 6,816,175 B1 in view of Lamping et al. US Patent 5,619,632.

Regarding claim 1, Hamp et al. teaches a computer-based method of navigating an information hierarchy including a collection of nodes [note: abstract “The present invention relates to means and a method executing by a computer for navigation within a tree structure with leaf nodes representing arbitrary types of objects”], said method comprising:

selecting a first node via an interface of a computer system [note: Orthogonal browser or GUI navigator col. 8 lines 234-35];

generating a context list of contexts within said information hierarchy that include one or more nodes that reference the first node [note: Navigation by selecting an entry point col. 8 line 63 through col. 9 line 51; col. 11 lines 9-64]. Although Hamp et al. teaches the invention as cited above, they do not explicitly teach contexts within said information hierarchy that include one or more nodes that reference the first node; however Lamping et al. teaches this feature. Note Lamping et al. teaches the relationship between the node link structure in which contexts within the information hierarchy include one or more nodes referencing the first node [see: abstract; Figure 5 node-link data 240; column 28 line 66 through column 29 line 25; column 23 lines 35-47

box 500 receives a call for mapping with the handle of the root node of a node-link structure including previous node; column 21 lines 1-8 creates a data structure for the current node which includes a handle or other links to the list of its children; column 19 lines 39-50 and column 20 lines 16-60 node-link data defining]. It would have been obvious to one of ordinary skill at the time of the invention to have combined Lamping et al. with Hamp et al. because Lamping further teaches the context and logical connections between the hierarchical node links may be defined.

6. Regarding claim 20, “in response to said selecting said first node, said computer system displaying the first node and the context list via said interface” [note: Hamp et al. Tree View Figure 12; col. 12 lines 10-12].

7. The limitations of claims 8, 15 and 49 parallel method claims 1 and 20; therefore they are rejected under the same rationale.

8. Regarding claims 75-76, the limitations have been addressed in claims 1 and 20, except for the following limitation “a memory sub-system” [note: Hamp et al. provides for a memory sub-system wherein the memory subsystem includes program instructions executable by a processor note abstract “executable by a computer system for navigation within a tree structure”; column 4 lines 14-29].

Allowable Subject Matter

9. Claims 2-3, 9-10, 16-17, 21-74 and 77-101 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

10. Applicant's arguments with respect to claims 1, 8, 15, 20, 49, 75 and 76 have been considered but are moot in view of the new ground(s) of rejection. Applicant's arguments regarding the restriction requirement are found persuasive; therefore the restriction has been withdrawn. In the response Applicant argued prior art reference Hamp et al. does not provide for the amended claim limitation of contexts within said information hierarchy that include one or more nodes referencing a first node and that Hamp does not generate a context list. In response, note Hamp does teach generation of a context list, note object attributes list in tree structure generated by selection process col. 8 line 24 through column 9 line 51. Also, newly cited reference Lamping et al. has been combined with Hamp et al. further depicting context list relationship (i.e. node link structure). The terminal disclaimer filed on January 29, 2007 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of US Patent 6,745,201 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greta L. Robinson whose telephone number is (571)272-4118. The examiner can normally be reached on M-F 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim T. Vo can be reached on (571)272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Greta L. Robinson/

Primary Examiner, Art Unit 2168

May 19, 2008